

Attorney Docket No. 990502

**REMARKS****1. Claim Amendments**

Applicants have amended claims 1, 6, 8, 14, 16, 22 and 24 to better claim the invention and cancelled claims 2, 10-13, 18-21 and 26-29, without prejudice. The cancelled claims should address the Requirement of Restriction/Election dated January 26, 2005. Accordingly, claims 1, 4, 6-9, 14-17 and 22-25 are pending in the present patent application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**2. Claim Rejections – 35 U.S.C. § 103**

Claims 1, 4, 6-8, 14-16 and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,550 issued to Gersho et al. (hereinafter “Gersho”) in view of U.S. Patent No. 6,691,092 issued to Udaya Bhaskar et al. (hereinafter “Udaya”). Before addressing this rejection in detail, it should be noted that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP 2142*. To establish *prima facie* case of obviousness, certain criteria must be met. *First*, the prior art reference or references when combined must teach or suggest all the claim limitations. *Second*, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. With the above requirements in mind, Applicant respectfully traverses this rejection per discussion below.

Regarding independent claim 1, it generally directs to a method for controlling discontinuous transmissions. In such method, [i] active, [ii] inactive and [iii] transition vocoder frames are generated depending on certain conditions. For example, inactive vocoder frames are generated if a control signal indicates a particular level of speech activity. Thereafter, “a state vector corresponding to the vocoder frames” is generated. Thus, there is a state vector being generated that corresponds to at least one inactive vocoder. *See, e.g., Figure 8C*.

Turning to the cited prior art references, Applicant respectfully submits both Gersho and Udaya fail to teach or suggest the generation of a state vector corresponding to an inactive vocoder frame. In fact, Applicant’s submission is further supported by the Examiner’s admission

Attorney Docket No. 990502

that Udaya "does not provide a state vector [sic] for an inactive vocoder frame." *Office Action*, page 2.

Based on the above discussion, claim 1 should be non-obvious and patentably distinguishable over the cited prior art references, which fail to teach or suggest all the claim limitations as discussed above.

Regarding independent claim 4, it comprises at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 4 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Regarding independent claim 6, it comprises at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 6 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Regarding claim 7, it depends from independent claim 6, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Regarding independent claim 8, it comprises at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 8 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Regarding claim 9, it depends from independent claim 8, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Regarding independent claim 14, it comprises at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 14 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Regarding claim 15, it depends from independent claim 14, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Attorney Docket No. 990502

Regarding independent claim 16, it comprises at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 16 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Regarding claim 17, it depends from independent claim 8, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Regarding independent claim 22, it comprises at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 22 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Regarding claim 23, it depends from independent claim 22, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Regarding independent claim 24, it comprises at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 24 should be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Regarding claim 25, it depends from independent claim 24, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Claims 9, 17 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gersho in view of Udaya and further in view of U.S. Patent No. 6,272,633 issued to Duke et al.

Regarding claims 9 and 17, they depend from independent claim 8, which is believed to be patentable, and thus they should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Regarding claim 25, it depends from independent claim 24, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.


Attorney Docket No. 990502

**CONCLUSION**

Claims 1, 4, 6-9, 14-17 and 22-25 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on January 12, 2006 has been addressed on the basis of the above remarks. Applicant believes all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicant's attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: July 10, 2006By:   
Dang M. Vo, Registration No. 45,183  
859-845-2116

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502